

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
Richmond Division**

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**KATHY ADKINS, et al.,**

**Plaintiffs,**

**v.**

**ENCORE CAPITAL GROUP, INC., et al.**

**Defendants.**

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**CIVIL NO. 3:11cv334-JRS**

**CONSOLIDATED DISCOVERY ORDER**

This matter is before the Court for pretrial case management, including the development of a consolidated discovery plan as instructed by the Order of the District Court (ECF No. 31). The Court had instructed the parties to file a joint discovery order memorializing the outcome of a Court-supervised discovery conference, which was held on January 18, 2012. However, it appears that disagreement over the outcome of the discovery conference has prevented the parties from doing so. Accordingly, at the request of the Court, the Defendant has filed a Motion to Enter Scheduling Order (ECF No. 33) based upon the outcome of a Court-supervised discovery conference between the parties, and the Plaintiffs have responded (ECF No. 34) in an effort to memorialize the disagreement. The Motion (ECF No. 33) is GRANTED pursuant to the following:

1.) **Resolution of Disagreement.** The parties continue to disagree about the outcome of the Court-supervised discovery conference held on January 18, 2012 before U.S. Magistrate Judge Dennis W. Dohnal. Specifically, the Plaintiffs seek to limit discovery to a total of thirty (30) collective interrogatories and five (5) additional interrogatories addressed to those plaintiffs

who seek actual damages. The Plaintiffs also request that the same numerical limitations apply to requests for production of documents. The Defendants disagree with the imposition of such restrictions at the outset of discovery. In addition, the Defendants seek to have all discovery that has already been served deemed served upon entry of this Order, although the Plaintiffs indicate that they are no longer in possession of those discovery requests. Based upon the outcome of the Court-supervised discovery conference, the Court rules as follows:

- a.) At this time, the Court will continue to adhere to the outcome of the discovery conference supervised by Judge Dohnal and will not impose any prospective limitations on discovery beyond those established by the Federal Rules of Civil Procedure and the Local Rules of this Court. The parties are instructed to limit the number of discovery requests to the greatest extent reasonably possible, recognizing that a large portion of the Plaintiffs are similarly situated. As necessary, the parties may jointly seek informal guidance from the Court should a disagreement arise over what constitutes excessive discovery.
  - b.) If either party hereafter seeks duplicative or unduly burdensome discovery in violation of Fed. R. Civ. P. 26(b)(2)(C), the Court will then entertain a motion for a protective order limiting the number of permissible discovery requests. The parties are reminded of the presumptively mandatory award of attorney's fees pursuant to Fed. R. Civ. P. 37(a)(5)(A).
  - c.) Any discovery served before entry of this Order shall be re-served in a manner permitted by the Federal Rules of Civil Procedure.
- 2.) **Responsive Pleadings.** The Defendants are granted leave to file an Amended

Answer to the Amended Complaint not later than seven (7) days after entry of this Order.

3.) **Initial Disclosures.** The requirement of initial disclosures pursuant to Fed. R. Civ. P. 26(a)(1) are deemed waived by the parties.

4.) **Discovery Period.** Discovery shall commence immediately upon entry of this Order, and shall terminate on August 1, 2012.

5.) **Status Conferences.** The parties shall schedule a monthly conference call with the Court to discuss any pending discovery issues. The call shall be scheduled to occur on or before the last business day of each month.

6.) **Dispositive Motion Deadline.** The Court has not yet established a deadline for the filing of summary judgment motions, but will do so after the District Court schedules a trial date.

Let the Clerk file this Order electronically and notify all counsel accordingly.

It is so ORDERED.



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David J. Novak  
United States Magistrate Judge

Richmond, Virginia

Dated: February 14, 2012